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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,244	10/31/2005	Thomas Maetzke	F-8762	2423
28107 7590 12/19/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER ARNETT, NICOLAS ALLEN	
			ART UNIT 4124	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,244

Applicant(s)

MAETZKE, THOMAS

Examiner

Nicolas A. Arnett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/12/05,
10/20/05,

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: "the refuse tank" in lines 9-10 lack antecedent basis within the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,938,185 to Kletter (Kletter).

Kletter teaches:

In Reference to Claim 12

Laboratory equipment comprising: a worktop (cutting surface 3) including a plurality of surface drain grooves (channels 4); a drain channel disposed in one of the drain grooves (apertures 2); and the drain grooves subdividing the worktop and extending around the subdivisions (see Fig. 1 and 2).

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In Reference to Claim 13

The equipment of claim 12 (see rejection of claim 12 above), wherein the drain grooves are disposed on and extend parallel to an edge of the worktop (Fig. 1 and 2 show the drain grooves on and parallel the an edge of the worktop).

In Reference to Claim 14

The equipment of claim 12 (see rejection of claim 12 above), further comprising: a refuse tank disposed in the equipment (collection tray 8) and below the worktop (see Fig. 1; col. 3, lines 27-30); wherein the worktop extends along a longitudinal axis (see Fig. 2) and the drain channel is disposed at the center of an axis extending transversely to the worktop longitudinal axis (one of the apertures is at the center of an axis extending transversely to the worktop longitudinal axis); and the equipment including a drainage line connecting to the drain channel to the refuse tank (conduit 5).

In Reference to Claim 15

The equipment of claim 12 (see rejection of claim 12 above), wherein: the worktop extends along a longitudinal axis (see Fig. 2); the worktop includes a plurality of drain channels disposed in each drain groove (apertures 2 in channels 4); the drain channels extending transversely to the worktop longitudinal axis (Fig. 2 shows the series of apertures extend transversely to the longitudinal axis).

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In Reference to Claim 17

The equipment of claim 12 (see rejection of claim 12 above), wherein the drain grooves are inclined towards the drain channel (col. 3, lines 7-11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kletter in view of Japanese Patent Publication 01119347 to Kyozo et al. (Kyozo).

Kletter teaches the equipment of claim 12 (see rejection of claim 12 above), but does not teach the worktop comprising a plurality of interconnected surfaces, each surface including a drain channel and a plurality of drain grooves.

Kyozo teaches a laboratory table formed from a plurality of bases connected together so that the table is simple to construct and easy to manufacture.

It would have been obvious to one having ordinary skill in the art at the time of invention to modify the cutting surface of Kletter such that it is comprised of a plurality of interconnected surfaces so that the table is simple to construct and easy to manufacture as taught explicitly by Kyozo. In doing so, each surface would include a drain channel and a plurality of drain grooves.

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6. Claims 12, 14, 18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,041,957 to Liptay (Liptay) in view of US Patent 6,016,579 to Erbs (Erbs).

In Reference to Claims 12 and 14

Liptay teaches laboratory equipment (10) comprising: a worktop (18); a drain channel (sink 32); a refuse tank disposed in the equipment and below the worktop (canister 34); and the equipment including a drainage line connecting to the drain channel to the refuse tank (hose 36).

Liptay does not teach the worktop including a plurality of surface drain grooves; the drain channel disposed in one of the drain grooves; and the drain grooves subdividing the worktop and extending around the subdivisions wherein the worktop extends along a longitudinal axis and the drain channel is disposed at the center of an axis extending transversely to the worktop longitudinal axis.

Erbs teaches a liquid drain apparatus comprising: a worktop (counter C) including a plurality of surface drain grooves (ribs 108 and valley members 110 form grooves); a drain channel disposed in one of the drain grooves (collection area 113); and the drain grooves subdividing the worktop and extending around the subdivisions wherein the worktop extends along a longitudinal axis and the drain channel is disposed at the center of an axis extending transversely to the worktop longitudinal axis (Fig. 2 shows the worktop with longitudinal axis and the drain channel disposed at the center of an axis extending transversely to the worktop longitudinal axis) so that fluid flows to the collection area rather than

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down cabinetry or onto the floor resulting in a safer work area (col. 1, lines 42-50).

It would have been obvious to one having ordinary skill in the art at the time of invention to have includes the drain grooves of Erbs in the laboratory equipment of Liptay so that fluid flows to the collection area rather than down cabinetry or onto the floor resulting in a safer work area as taught explicitly by Erbs.

In Reference to Claim 18

Liptay as modified by Erbs teaches the equipment of claim 12 (see rejection of claims 12 and 14 above). Liptay further teaches a ventilated laboratory cabinet (cabinet 12 and exhaust opening 110) for storing fluid containers beneath the worktop.

In Reference to Claim 20

Liptay as modified by Erbs teaches the equipment of claim 12 (see rejection of claims 12 and 14 above). Liptay further teaches an extractor hood disposed on the worktop (housing 56).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kletter in view of US Patent 6,305,131 to Romig (Romig).

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Kletter teaches the equipment of claim 12 (see rejection of claim 12 above), wherein: the worktop extends along a longitudinal axis and includes a rear longitudinal edge (Fig. 1).

Kletter does not teach the equipment includes a collecting line disposed at the worktop rear edge; a plurality of drain paths disposed in an interior of the worktop, the drain paths extending transversely to the worktop longitudinal axis and connecting the drain channels to the collecting line; and a downwardly extending drainage line connecting the collecting line to the refuse tank.

Romig teaches a storage facility with a liquid collecting system comprising a collecting line disposed at the worktop rear edge (channel 52); a plurality of drain paths disposed in an interior of the worktop (sloped floors 151 and 251), the drain paths extending transversely to the worktop longitudinal axis and connecting the drain channels to the collecting line (see Fig. 7); and a downwardly extending drainage line connecting the collecting line to the refuse tank (drain 66; col. 3, lines 58-61) to provide a system capable of containing and detecting multiple leaks and to store hazardous material which has leaked (col. 1, lines 34-37 and 45-56).

It would have been obvious to one having ordinary skill in the art at the time of invention to have included the collecting line along a rear edge, the sloping floors and the drainage line of Romig in the worktop of Kletter to provide a system capable of containing and detecting multiple leaks and to store hazardous material which has leaked as taught explicitly by Romig.

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8. Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liptay in view of Erbs as applied to claims 12 and 14 above, and further in view of US Patent 6,105,606 to Jackson (Jackson).

In Reference to Claims 19 and 25

Liptay as modified by Erbs teaches the equipment of claim 18 (see rejection of claim 18 above). Liptay also teaches that the laboratory cabinet includes a rigid floor (base of cabinet 12, shown in Fig. 2). Liptay as modified by Erbs does not teach the laboratory cabinet is formed of a non-combustible material and wherein the rigid floor is formed of stainless steel.

Jackson teaches a cabinet for housing chemicals (10) formed of materials such as stainless steel, Plexiglas or glass so that the cabinet is resistant to corrosion (col. 3, lines 41-49).

It would have been obvious to one having ordinary skill in the art at the time of invention to have further modified the laboratory equipment of Liptay as modified by Erbs such that it is formed of a non-combustible material such as stainless steel so that the equipment is corrosion resistant as taught explicitly by Jackson.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liptay in view of Erbs as applied to claims 12 and 14 above, and further in view of Romig.

Liptay as modified by Erbs teaches the equipment of claim 12 (see rejection of claims 12 and 14 above), but does not teach further comprising a safety device for triggering an alarm when fluid flows through the drain grooves.

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Romig teaches a containment system using a liquid detection sensor (60) in a drain channel, which activates an alarm (17) to notify users of a leak within the system.

It would have been obvious to one having ordinary skill in the art at the time of invention to have included the liquid sensor and alarm of Romig in the laboratory equipment of Liptay as modified by Erbs to notify users of a leak within the equipment as taught implicitly by Romig.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liptay in view of Erbs as applied to claim 18 above, and further in view of US Patent 5,399,007 to Marconet (Marconet).

Liptay as modified by Erbs teaches a mobile laboratory trolley (10) for supporting the worktop of Claim 18 (see rejection of claim 18 above) and the trolley including a floor for supporting the cabinet (base of member 12 serves as the floor supporting the cabinet). Liptay as modified by Erbs does not teach a second worktop, the worktops being disposed as upper and lower worktops.

Marconet teaches a medical treatment cabinet (10) having an upper worktop (24) and lower worktop (17) for holding containers and instruments "conveniently at the disposal of the user" (col. 3, lines 64-66).

It would have been obvious to one having ordinary skill in the art at the time of invention to have included the upper worktop of Marconet in the laboratory equipment of Liptay as modified by Erbs for holding containers and instruments "conveniently at the disposal of the user" as taught explicitly by Marconet.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liptay in view of Erbs as applied to claims 12 and 14 above, and further in view of US Patent 5,770,157 to Cargill et al. (Cargill).

Liptay as modified by Erbs teaches the equipment of claim 14 (see rejection of claims 12 and 14 above), but does not teach the drainage line is formed of Teflon.

Cargill teaches an apparatus for the generation of chemical libraries which includes a drain tube (138) formed of Teflon so that it is inert, and resistant to the temperature, pressure and chemical environment which the tube is exposed (col. 8, lines 36-41).

It would have been obvious to one having ordinary skill in the art at the time of invention to have modified the drainage line of Liptay as modified by Erbs such that it is formed of Teflon so that it is inert, and resistant to the temperature, pressure and chemical environment which the tube is exposed as taught explicitly by Cargill.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 1,835,232 to Lord, US Patent 6,453,488 to Shamroth, US Patent 5,316,174 to Schutz, and US Patent Application Publication 2002/0177397 to Smith all disclose fluid collecting or draining systems similar to that of Applicant.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicolas A. Arnett whose telephone number is (571) 270-5062. The examiner can normally be reached on Monday - Thursday 7:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER